

**Planning Committee:** 23 May 2006

**Item Number:** 01

**Application No:** W 06 / 0125

**Registration Date:** 01/02/06

**Town/Parish Council:** Kenilworth

**Expiry Date:** 29/03/06

**Case Officer:** Steven Wallsgrove

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**Hillcrest Garage, Crackley Hill, Coventry Road, Kenilworth, CV8 2EE**  
Outline application for the erection of 33 houses, flats and ancillary works  
FOR Baker Goodchild Architects

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This application was deferred at the last meeting to resolve objections by the Highway Authority.

This application is being presented to Committee due to an objection from the Town Council having been received and the need for a S106 Agreement/Obligation.

### **SUMMARY OF REPRESENTATIONS**

**Kenilworth Town Council:** Members recommended REFUSAL on the following grounds:-

1. The 3 storey blocks of flats on the Coventry Road frontage fail to harmonise with the existing street scene in that area, which adjoins the Green Belt. They do not respect the scale of surrounding buildings and, in particular, will dominate the attractive row of cottages on the other side of the road.
2. The number of dwellings on the site will generate additional traffic which will need to join an 'A' Road at a known hazard on the inside of a bend which already requires traffic calming measures.

**Warwickshire Police:** Comment that the scheme should be designed to "Secured by Design" standards.

**Warwickshire Fire & Rescue:** Have no objection subject to a fire hydrant condition.

**WCC (Ecology):** Note that the site has been cleared and consider that care should be taken to not affect the adjoining Ecosite.

**Housing:** Comment that the (original) affordable units were below the Council's design standards.

**WCC (Highways):** Object to provision of a right turn lane into the site and to inadequate visibility splays but request that, if these problems can be resolved, the developers should be requested to contribute £15,000 towards implementing the Sustrans cycle facility along the disused railway line.

**Environment Agency:** Comment that a Flood Risk Assessment was negotiated (with a previous application) and that this should be incorporated into any consent.

**Crackley Residents Association:** Are concerned about the increased numbers from the previous application and, in particular, consider a three storey block on the frontage unacceptable. They also express concern about traffic and oppose this outline application.

**Neighbours:** Letters have been received from 3 residents, all expressing concern about/objecting to three storey buildings on the road frontage. One also objects to increased traffic.

**Kenilworth Society:** Raise objection on grounds of excessive density out of keeping with area, adverse impact on amenity of neighbouring properties and conflict with Managing Housing Supply Document.

### **RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- (DW) H5 - Infilling within the Towns (Warwick District Local Plan 1995)
- The 45 Degree Guideline (Supplementary Planning Guidance)
- Distance Separation (Supplementary Planning Guidance)
- (DW) ENV3A - Sustainable Development and Energy Conservation (Warwick District Local Plan 1995)
- H.2 - Affordable Housing (Warwickshire Structure Plan 1996-2011).
- H.1 - Provision of Housing Land (Warwickshire Structure Plan 1996-2011).
- H.3 - Greenfield Land for Housing (Warwickshire Structure Plan 1996-2011).
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).
- DP5 - Density (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- GD.3 - Overall Development Strategy (Warwickshire Structure Plan 1996-2011).
- SC9 - Affordable Housing (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)
- UAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011 Revised Deposit Version)

### **PLANNING HISTORY**

The site was formerly a garage and car sales area (now cleared) and it was agreed that detailed Planning Permission be granted for 24 units on the site (subject to a S106 Agreement) at your meeting in May 2005. This scheme contained 15 houses and 9 flats and showed 41 parking spaces. 7 of the units (i.e. 30%) were to be affordable.

## **KEY ISSUES**

### **The Site and its Location**

The site lies on the north-west side of the road between the disused railway line on the south-west and a dwelling (Crackley Barn) and farmland on the north. Three terraces (13 dwellings) forming Crackley Cottages lie opposite the site.

### **Details of the Development**

The application has been submitted in outline, with all matters reserved, although a layout has been submitted which is similar to that approved on the previous application, and a street elevation has also now been submitted showing that the frontage buildings would now be two-storey in height, (with rooflights in two of the three blocks). Due to negotiations on the size of the affordable units and the layout, the number of units has been reduced from the originally submitted 34 to 33. The Planning Authority is thus being asked to determine whether 33 units can be accommodated on the site.

### **Assessment**

Since Planning Permission has already been agreed for the residential development of this site, for 24 units, and this application has only been submitted in outline (with all matters reserved), the only issues to be considered are whether the increased number of units (33) can be reasonably accommodated on the site, whether there any additional flood risk problems, and whether the increased traffic can be accommodated safely.

In this context, the Environment Agency have not raised any objection, and a copy of the flood risk final report has been forwarded to them by the applicants, as they have requested.

The Highway Authority, while expressing concern about the already approved access arrangements (since they do not appear to satisfy normal visibility standards for a 40 m.p.h. road) have indicated that, while they consider a right hand turning lane is not justified, it appears likely that a reasonable standard of visibility could be provided. They have, however, requested a "departures report" to justify a small reduction in standards, a matter which was in hand at the time of writing this report and is anticipated should be resolved by the date of your meeting.

The remaining issue is the layout and the size of the affordable units. Again, since this is only an "outline" application, it is only necessary to demonstrate that the requirements can be achieved, without having to go into full details of a specific scheme. In this context, the layout is similar to that previously approved, with four plots being identical. The increased numbers of units have been obtained by replacing some of the larger units with slightly smaller

units, and by using the additional space to rearrange the layout to provide one more house and to provide 7 flats instead of 9. This results in 10 affordable units out of a total of 33 (30%). The applicants have now been advised that, since an appeal decision last year, the requirement for a development of this scale is now 40% affordable units.

The increased number of flats (now 18 units out of the total of 33) did result in the frontage block being increased in height (to three storeys) but this has now been altered, through negotiation, to ensure that the block need only be two-storey in height (as with the approved scheme). This meant the loss of one unit from that originally proposed and the use of roof lights for one flat. The fact that this can be achieved reasonably is illustrated by a street scene elevation. A problem of not complying with the 45 degree Code in relation to this particular block of flats was brought to the attention of the applicants and an amended indicative layout of this part has been submitted which shows that this problem can be resolved.

In terms of parking, the indicative scheme shows that a standard of 2 spaces for each house and one space for each flat can be achieved. This is considered to be reasonable in a principal bus route.

Whilst there is an increase in the number of dwellings compared to the previous approved scheme (24 to 33), this is considered to be a proposal which results in the more efficient use of an already committed site. Increased density on such committed schemes, which achieves acceptable standards of layout and design, is not specifically precluded by the provisions of the SPG document Managing Housing Supply.

## **RECOMMENDATION**

That outline planning permission be GRANTED after completion of a Section 106 Agreement/Obligation covering the provision of affordable dwellings at 40%, flood relief (as approved under W2004/1989) and the payment of appropriate sums for education, libraries and transport (final figures to be agreed), subject to the conditions listed below.

## **CONDITIONS**

- 1 This permission is granted under the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995, on an outline application and the further approval of the District Planning Authority shall be required to the undermentioned matters hereby reserved before any development is commenced:-
  - (a) the siting, design and external appearance of the proposed development,
  - (b) details of the access arrangements,
  - (c) details of landscaping.

**REASON** : To comply with Section 92 of the Town and Country Planning Act 1990.

- 2 In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the District Planning Authority not later than the expiration of three years beginning with the date of this permission. **REASON:** To comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. **REASON :** To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 4 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) 7117.1, and specification contained therein, received on 10th March 2006 unless first agreed otherwise in writing by the District Planning Authority. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
- 5 The finished floor levels of the dwellings hereby approved should be set at a minimum of 400 mm above the modelled 1 in 100 year flood level of 76.71 above Ordnance Datum as shown on drawing no. 1792-001 Rev MM. **REASON:** To ensure that safe dry access is available to future residents at all times and to protect the development from flooding in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 6 No development shall be carried out on the site which is the subject of this permission, until full engineered cross sections through the site including the brook, plots and the site boundaries has been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON:** To protect the character of the area and the amenities of adjoining occupiers in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.
- 7 All surface water drainage shall be passed through an oil interceptor designed and constructed in accordance with BS 8301:1985 and of a capacity compatible with the site being drained, prior to being discharged into any watercourse, surface water sewer or soakaway system. Roof water should not be passed through the interceptor. **REASON :** To prevent pollution of the Water Environment.
- 8 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority. **REASON :** To protect the health and safety of future occupiers.

- 9 The development hereby permitted shall not be commenced until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to and approved in writing by the District Planning Authority. The development shall not then be occupied until the scheme has been implemented to the satisfaction of the District Planning Authority. **REASON** : In the interests of fire safety.
- 10 The vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 90 metres. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy ENV3 of the Warwick District Local Plan.

### **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of traffic generation or impact on neighbours which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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